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2013 Edition

Annulment of Marriages in Connecticut

A Guide to Resources in the Law Library

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Introduction

A Guide to Resources in the Law Library

- “An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed.” Conn. Gen. Stat. § [46b-40\(b\)](#) (2013).
- “A decree of annulment . . . shall give the parties the status of unmarried persons and they may marry again.” Conn. Gen. Stat. § [46b-67\(b\)](#) (2013).
- “We recognize that an annulment and a dissolution of marriage differ fundamentally. An annulment renders the marriage void ab initio [from the beginning] while a dissolution is based upon a valid marriage which terminates as of the date of the judgment of dissolution.” [Durham v. Miceli](#), 15 Conn. App. 96, 543 A.2d 286, 287 (1988).
- “Divorce and annulment differ fundamentally. The former is based upon a valid marriage and a cause for terminating it which arises subsequently. *Davis v. Davis*, 119 Conn. 194, 196, 175 A. 574. The latter proceeds upon the theory that the marriage is void ab initio.” [Mazzei v. Cantales](#), 142 Conn. 173, 178, 112 A.2d 205, 208 (1955).

Section 1: Effect, History and Definition

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to the legal effect and history of an annulment in Connecticut. Includes how an annulment differs from a dissolution and a legal separation.

DEFINITION:

- "A decree of annulment . . . shall give the parties the status of unmarried persons and they may marry again." Conn. Gen. Stat. § [46b-67\(b\)](#) (2013).
- "We recognize that an annulment and a dissolution of marriage differ fundamentally. An annulment renders the marriage void ab initio [from the beginning] while a dissolution is based upon a valid marriage which terminates as of the date of the judgment of dissolution." [Durham v. Miceli](#), 15 Conn. App. 96, 543 A.2d 286, 287 (1988).
- "A direct action to annul a marriage not only affects the status of the marriage itself but may also affect property rights arising from this status." [Perlstein v. Perlstein](#), 26 Conn. Sup. 257, 258, 217 A.2d 481, 482-483 (1966).

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
 - § [46b-40](#). Grounds for dissolution of marriage; legal separation; annulment.
 - (b) "An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed."
 - § [46b-67](#). Waiting period. Effect of decree.
 - (b) "Neither the ninety-day period specified in this section nor the six-month period referred to in section 46b-53 shall apply in actions for annulment and the court may proceed on any cause of action for annulment in the manner generally applicable in civil actions."

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Bernstein v. Bernstein](#), 25 Conn. Sup. 239, 240, 201 A.2d 660, 661 (1964). "The two causes of action [dissolution and annulment] are distinguished in that a divorce is based on a valid marriage and a cause which arises subsequently for terminating it, while an annulment is decreed on the theory that the marriage is void ad initio [from its inception]."
- [Perlstein v. Perlstein](#), 26 Conn. Sup. 257, 260, 217 A.2d 481, 483 (1966). "An action to annul a bigamous marriage may be brought either in the lifetime of the parties or after the death of the supposed husband or wife."

**WEST TOPIC &
KEY NUMBERS:**

- *Marriage*
 - # 56 Annulment
 - # 56.1 In General
 - # 57 Nature and form of remedy
 - # 61 Scope and extent of relief in general

**TEXTS &
TREATISES:**

- Renee Bevacqua Bollier and Susan V. Busby, [Stephenson's Connecticut Civil Procedure](#), 3rd edition, volume 2
 - §263. Annulment
 - a. Generally
 - b. History in Connecticut
- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
 - Chapter 12. Annulment in general
 - § 12.1. Definition
 - § 12.2. Annulment distinguished from divorce
- Arnold H. Rutkin, general editor, [Family Law and Practice](#), volume 1
 - Chapter 5. Annulment
 - § 5.01. Introduction
 - [1] Annulment and Divorce
 - [2] Direction of the Law on Annulment
 - [3] Statistics on Annulment
 - [4] Complexity of Annulment
- Harry D. Krause and David D. Meyer, [Family Law in a Nutshell](#), 5th ed.
 - Chapter 5. Effects of Non-compliance with Marriage Regulation
 - § 5.1. Void and Voidable Marriages Defined
 - § 5.2. Legal Effects of Invalid Marriages
 - Chapter 18. Annulment
 - § 18.1. History of Annulment
 - § 18.3. Consequences of Annulment
- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
 - Chapter 3 – The Suit to Annul
 - § 3.1. The Suit to Annul – Nature and History
 - § 3.6. The Suit to Annul – Effect of the Decree
- Joyce Hens Green et al., [Dissolution of Marriage](#) (1986)
 - Chapter 3. Other Types of Dissolution
 - §3.01 Annulment
- Lynn D. Wardle et al., [Contemporary Family Law: Principles, Policy and Practice](#) (1988).
 - § 16:01 Definition and history of annulment

ENCYCLOPEDIAS:

- 4 [Am. Jur. 2d](#) *Annulment of Marriage* (2007)
 - § 1. Generally
 - § 2. Effect of no-fault divorce
- 55 [C.J.S.](#) *Marriage* (2009)
 - § 70. In general
 - § 71. Nature and form of action
- 1C [Am. Jur. Pleading & Practice Forms Annotated](#) *Annulment of Marriage* (2003 rev.)
 - § 1. Introductory comments
- John Francis Major, Annotation, *Annulment of Marriage*, 42 [POF2d](#) 665 (1985)
 - I. Background
 - § 1. In general; scope of article

PERIODICALS:

- C.E.P. Davies, *Annulment of Marriage*, 27 [Connecticut Bar Journal](#) 41 (1953).
 - Historical background. Distinction between void and voidable marriages, pp. 61-64.
- Harriet S. Daggett, *Annulment of a Marriage in Connecticut*, 25 [Connecticut Bar Journal](#) 1 (March 1951).
 - History traced through case law, 1803 - 1940.

Section 2: Grounds for Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the grounds for granting an annulment in Connecticut

DEFINITION:

- "It is the well-established law of this state that no marriage performed in this state is to be held void or voidable except for some ground recognized at common law or for some ground which a statute expressly provides shall be ground for annulment." Manning v. Manning, 16 Conn. Supp. 461, 461-462 (1950).
- "Grounds for annulment of a marriage fall into two general categories: those specifically set forth by statute, and those recognized pursuant to common law.... Unlike the statutory provisions regarding the grounds for dissolution of a marriage, there is no single statute itemizing the grounds for annulment. The Court must, therefore, look to the statutes and case law." Phillips v. Dame, Superior Court, Judicial District of New London, No. 518815 (Jul. 11, 1991) (4 CLR 650) (6 CSCR 718) (1991 WL 131732).

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
 - § [46b-20a](#). Eligibility to marry.
 - § [46b-21](#). Marriage of persons related by consanguinity or affinity prohibited.
 - § [46b-22](#). Who may join persons in marriage.
 - § [46b-22a](#). Validation of marriages performed by unauthorized justice of the peace.
 - § [46b-24](#). License. Period of validity. Penalty for solemnization without license. Validity of marriage ceremony.
 - § [46b-29](#). Marriage of persons under conservatorship.
 - § [46b-30](#). Marriage of minors.
 - § [46b-40](#). Grounds for dissolution of marriage; legal separation; annulment.
 - (b) "An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed."
 - § [46b-48](#). Dissolution of marriage or annulment upon conviction of crime against chastity; procedure.

RECORDS & BRIEFS:

- Connecticut Supreme Court Records & Briefs, [Singh v. Singh](#), 213 Conn. 637 (argued November 1989). [Complaint](#).

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- Vascianna v. Vascianna, Superior Court, Judicial District of Hartford at Hartford, No. FA 11-4057012 S (Mar. 19, 2012). "In the present case the plaintiff is essentially claiming the defendant married her solely to obtain a green card and the right to remain legally in the United States....

The court finds the plaintiff met her burden of proof of clear and convincing evidence that the defendant entered into the marriage under fraudulent pretenses. The plaintiff's testimony that the defendant offered her money in late May 2011 to remain married is persuasive. The defendant's immigration status, refusal to cohabit with the plaintiff and offer of money to remain married lead to the inevitable conclusion that Mr. Vascianna married the plaintiff for the sole purpose of obtaining a green card and legal residence in this country. The court finds Mrs. Vascianna was completely unaware of her husband's intention not to cohabit or assume the duties and responsibilities of husband and wife."
- Brennauer v. Brennauer, Superior Court, Judicial District of New London at Norwich, No. FA 02-0124680 S (Nov. 14, 2002). "General Statute § 46b-40 (b) states that 'an annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed.' 'It is the well-established law of this state that no marriage performed in this state is to be held void or voidable except for some ground recognized at common law or for some ground which a statute expressly provides shall be ground for annulment.' *Manning v. Manning*, 16 Conn. Sup. 461, 461-62 (1950). 'There are statutory grounds for annulment. General Statute § 46b-21 (Marriage of certain kindred); § 46b-22 (Marriage attempted to be celebrated by persons other than those listed); § 46b-24 (Marriage performed in Connecticut without a marriage license); § 46b-29 (Marriage of persons under conservatorship or guardianship); § 46b-30 (Marriages of minors); § 45b-48 (Conviction of an offense against chastity)." *Ross v. Ross*, Superior Court, judicial district of Stamford-Norwalk at Stamford, Docket No. FA97-0162587 (1998) (Tierney, J.) (22 Conn.L.Rptr. 637, 638.)"
- Singh v. Singh, 213 Conn. 637, 656, 569 A.2d 1112, 1121 (1990). "In conclusion, a marriage between persons related to one another as half-uncle and half-niece is void under General Statutes 46b-21 and 53a-191 as incestuous."
- Fattibene v. Fattibene, 183 Conn. 433, 439, 441 A.2d 3, 6 (1981). ". . . whether fraud in a case is sufficient to justify an annulment"
- Carabetta v. Carabetta, 182 Conn. 344, 349, 438 A.2d 109 (1980). "In the absence of express language in the governing statute declaring a marriage void for failure to observe a statutory requirement, this court has held in an unbroken line of cases . . . that such a marriage, though imperfect, is dissoluble rather than void."
- Perlstein v. Perlstein, 26 Conn. Supp. 257, 259, 217 A.2d

481, 483 (1966). "A bigamous marriage is not merely voidable; it is void."

- Bernstein v. Bernstein, 25 Conn. Supp. 239, 240-241, 201 A.2d 660, 661 (1964). "The concealed intent not to assume the duties of the marital relationship is sufficient cause for an annulment."
- Hannibal v. Hannibal, 23 Conn. Sup. 201, 202, 179 A.2d 838, 839 (1962). "The plaintiff concedes that there is no case in Connecticut which holds that a fraudulent representation by a wife that she is willing to bear children is a sufficient cause to declare a marriage void."
- Catalano v. Catalano, 148 Conn. 288, 291, 170 A.2d 726, 728 (1961). "It is the generally accepted rule that a marriage valid where the ceremony is performed is valid everywhere There are, however, certain exceptions to that rule, including one which regards as invalid incestuous marriages between persons so closely related that their marriage is contrary to the strong public policy of the domicile though valid where celebrated."
- Avery v. Avery, 16 Conn. Sup. 418, 419 (1949). "Inasmuch as, in this state, fraudulent representation as an inducement to marriage is looked upon as a ground for divorce rather than annulment, it is extremely doubtful that, under our law, any marriage is made voidable by reason of a fraudulent representation of any nature. However that may be, it certainly is true that if a fraudulent representation is to be one which makes the marriage voidable it must be at least as serious as those which give ground for divorce for fraudulent contract. That is, it must be one which goes to the very essence of the marriage relationship."
- Schibi v. Schibi, 136 Conn. 196, 198, 69 A.2d 831, 833 (1949). "The sole question presented to the court for determination was whether the marriage was void because there was no mutual consent of the parties."
- Manning v. Manning, 16 Conn. Supp. 461, 462 (1950). "...lack of parental consent does not render a marriage performed in this state either void or voidable."
- State ex rel. Felson v. Allen, 129 Conn. 427, 29 A.2d 306 (1942). *Marriage ceremony performed by unauthorized person.*
- Nerini v. Nerini, 11 Conn. Supp. 361, 367 (1943). "My conclusion on the law, then, is this: all misrepresentations concerning one's health and fitness are immaterial unless they involve the essentialia to the marital relation such as a physical impediment making impossible the performance of the duties and obligations of the relation or rendering its assumption and continuance dangerous to the health or the other spouse or capable of affecting the health of their offspring."
- Davis v. Davis, 119 Conn. 194, 198, 175 A. 574 (1934). "Whether the marriage of the parties to this action is to be declared void because of a lack of consent to the contract, we hold must depend upon the law of New York, in which

- State the marriage ceremony was performed."
- Lyman v. Lyman, 90 Conn. 399, 401-402, 97 A. 312, 312-313 (1916). "The plaintiff, having had sexual intercourse with the defendant before marriage, was induced to marry her by her representations, made to and believed by him, that she was with child as the result of such intercourse, whereas the fact was, as she knew, or ought to have known, that she was pregnant by another man. The first knowledge that he had of the truth came to him when she was delivered. Thereupon he ceased to have further relations with her, and brought this action, praying for an annulment of the marriage or a divorce. Counsel for the plaintiff concede that he is not entitled to an annulment, and he clearly is not."
 - ". . . the courts are practically agreed in holding that antenuptial pregnancy by another man, if concealed by the wife from the husband, who was himself innocent of improper relations with her, is a fraud upon him justifying a divorce or annulment of the marriage, as the appropriate remedy in the jurisdiction may be." Lyman p. 403

OLR RESEARCH REPORTS:

- Lawrence K. Furbish. *Grounds For a Legal Annulment*. Connecticut General Assembly, Office of Legislative Research, OLR Research Report, [2000-R-0736](#) (July 13, 2000).

WEST KEY NUMBERS:

- *Marriage*
58 Grounds
 - (1) In General
 - (2) Physical disease or incapacity
 - (3) Mental incapacity
 - (4) Pregnancy at time of marriage
 - (5) Prior existing marriage
 - (6) Mistake
 - (7) Fraud, misrepresentation, or imposition
 - (8) Duress

DIGESTS:

- [Dowling's Digest](#): *Marriage*
- [Connecticut Family Law Citations](#): *Annulment of Marriage*
- [Phillips' Digest](#): *Marriage*

ENCYCLOPEDIAS:

- 4 [Am. Jur. 2d](#) *Annulment of Marriage* (2007)
 - Grounds
 - In General
 - § 3. Generally
 - § 4. Lack of intent to enter into binding marriage
 - § 5. Failure to consummate; refusal of intercourse
 - § 6. Under age of consent
 - Unlawful Marriages
 - § 7. Incestuous marriage
 - § 8. Bigamous marriage
 - Fraud
 1. General Principles

- § 9. Generally
 - § 10. Kind and degree of fraud; essential nature
 - § 11. Materiality of facts misrepresented or concealed
 - 2. Misrepresentations or Concealment of Specific Matters
 - § 12. Prior marital status
 - § 13. Premarital unchastity
 - § 14. Prenuptial pregnancy or parenthood
 - § 15. False charge of paternity
 - § 16. False pretense of pregnancy
 - § 17. Intent not to cohabit or have sexual relations
 - § 18. ---Marriage to circumvent immigration laws
 - § 19. Sexual orientation
 - § 20. Intention regarding desire to have children
 - § 21. Promises concerning religion
 - § 22. Matters relating to health; drug and alcohol addiction
 - § 23. Personal characteristics and attributes
 - D. Duress; Undue Influence
 - § 24. Necessity that duress be the inducing cause
 - § 25. Pressure resulting in "shotgun marriage"
 - E. Physical or Mental Incapacity
 - 1. Impotency
 - § 26. Generally
 - § 27. What constitutes impotency
 - § 28. Curability
 - 2. Mental Incapacity
 - § 29. Generally
 - § 30. Extent of mental incapacity
 - § 31. Concealment of mental condition
 - § 32. Person under influence of drugs or alcohol
- 52 [Am. Jur. 2d Marriage](#) (2011)
 - II. Creation and Validity
 - A. Ceremonial Marriage; Proxy Marriage
 - 2. Capacity to Marry
 - §§ 18-20. In General
 - §§ 21-25. Mental capacity
 - §§ 26-27. Physical capacity
 - §§ 28-30. Consent
 - §§ 31-37. Formal requirements
 - B. Particular Impediments to Lawful Marriage
 - §§ 53-56. Relationship of parties; Incest
 - §§ 57-63. Prior marriage
 - D. Effect of Conflicting Foreign Law
 - §§ 67-78. Validity of particular marriages with foreign aspects
- 55 [C.J.S. Marriage](#) (2009)
 - § 72. Grounds
- 1C [Am. Jur. Pleading & Practice Forms Annotated Annulment](#)

of Marriage (2003 rev.)

II. Grounds for Annulment

- A. Grounds (§ 11)
- B. Undissolved Prior Marriage; Bigamy (§§ 17 to 20)
- C. Under Age of Consent (§§ 25 to 27)
- D. Incestuous Marriage (§§ 33 to 35)
- E. Fraud; Unchastity; Pregnancy (§§ 38 to 40)
- F. Duress (§§ 51 to 53)
- G. Mental Incapacity (§§ 56 to 59)
- H. Physical Incapacity, Defect, or Infirmary; Disease (§§ 66 to 68)

- John Francis Major, Annotation, *Annulment of Marriage*, 42 [POF2d](#) 665 (1985).
 - § 2. Fraud as ground for annulment – In general
 - § 3. -Fraudulent concealment of intent not to cohabit, copulate, or have children
 - § 4. -Fraudulent concealment of or misrepresentations as to physical or mental condition
 - § 5. Physical incapacity as ground for annulment
 - § 6. Mental incapacity as ground for annulment
 - § 7. Duress as ground for annulment
- James Lockhart, *Cause Of Action To Annul Marriage*, 29 [COA](#) 431 (1992).
- Audrey W. Collins, Annotation, *Sexual Intercourse Between Persons Related by Half Blood As Incest*, 34 [ALR5th](#) 723 (1995).
- David E. Rigney, Annotation, *Power Of Incompetent Spouse's Guardian Or Representative To Sue For Granting Or Vacation Of Divorce Or Annulment Of Marriage, Or To Make Compromise Or Settlement In Such Suit*, 32 [ALR5th](#) 673 (1995).
- Jay M. Zitter, Annotation, *Homosexuality, Transvestism, And Similar Sexual Practices As Grounds For Annulment Of Marriage*, 68 [ALR4th](#) 1069 (1989).
- Annotation, *Spouse's Secret Intention Not To Abide By Written Antenuptial Agreement Relating To Financial Matters As Ground For Annulment*, 66 [ALR3d](#) 1282 (1975).
- David B. Perlmutter, Annotation, *Incapacity For Sexual Intercourse As Ground For Annulment*, 52 [ALR3d](#) 589 (1973).
- Mary J. Cavins, Annotation, *What Constitutes Mistake In The Identity Of One Of The Parties To Warrant Annulment Of Marriage*, 50 [ALR3d](#) 1295 (1973).
- Ferdinand S. Tinio, Annotation, *Annulment Of Later Marriage*

As Reviving Prior Husband's Obligations Under Alimony Decree Or Separation Agreement, 45 [ALR3d](#) 1033 (1972).

- Annotation, *Concealment Of Or Misrepresentation As To Prior Marital Status As Ground For Annulment Of Marriage*, 15 [ALR3d](#) 759 (1967).
- Annotation, *Mental Incompetency Of Defendant At Time Of Action As Precluding Annulment Of Marriage*, 97 [ALR2d](#) 483 (1964).
- Annotation, *Concealed Premarital Unchastity Or Parenthood As Ground Of Divorce Or Annulment*, 64 [ALR2d](#) 742 (1959).
- Annotation, *What Constitutes Intoxication Sufficient To Warrant Annulment Of Marriage*, 57 [ALR2d](#) 1250 (1958).
- Annotation, *Refusal Of Sexual Intercourse As Ground For Annulment*, 28 [ALR2d](#) 499 (1953).
- Annotation, *What Constitutes Duress Sufficient To Warrant Divorce Or Annulment Of Marriage*, 16 [ALR2d](#) 1430 (1951).
- Annotation, *Cohabitation Of Persons Ceremonially Married After Learning Of Facts Negating Dissolution Of Previous Marriage Of One, As Affecting Right To Annulment*, 4 [ALR2d](#) 542 (1949).

**TEXTS &
TREATISES:**

- Renee Bevacqua Bollier and Susan V. Busby, [Stephenson's Connecticut Civil Procedure](#), 3rd edition, volume 2
§263. Annulment
b. History in Connecticut, p.717
- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 12. Annulment in General
§ 12.1. Definition
§ 12.2. Annulment distinguished from divorce
§ 12.3. Grounds for annulment – In general
§ 12.4. – Consanguinity or affinity
§ 12.5. Bigamous marriage
§ 12.6. Incompetence
§ 12.7. Age of parties
§ 12.8. Defects in marriage ceremony or license
§ 12.9. Intentions of the parties – Fraud, force or duress
§ 12.10. Concealment or misrepresentation of facts or circumstances
- Arnold H. Rutkin, general editor, [Family Law and Practice](#), volume 1
Chapter 5. Annulment

§ 5.02. Grounds

[1] Fraud

[a] Generally

[b] Essence of the Marriage Relation

[2] Physical Incapacity

[3] Nonage

[4] Force or Duress

[5] Mental Incapacity

[6] Bigamy

[7] Consanguinity

- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
Impotence as a ground, p. 176
Mental incompetence, p. 183
Non-age marriages, p. 165
- Joyce Hens Green et al., [Dissolution of Marriage](#) (1986)
Chapter 3. Other Types of Dissolution
§3.01 Annulment
- Benjamin M. Becker et al., [Legal Checklists](#) (1966)
Checklist 9-1

Table 1: Grounds for Annulment

Grounds	Rutkin*	COA**
Bigamous marriage	§12.5	§§7-8
Consanguinity or affinity	§12.4	§9
Defects in marriage ceremony	§12.8	§22
Duress or undue influence	§12.9	§13
Fraud	§12.9	§§14-21
Incompetence—mental	§12.6	§11
Incompetence—physical	§12.10	§12
Misrepresentation, concealment	§12.10	§§16-21
Nonage	§12.7	§10

* 7 Arnold H. Rutkin, Sarah S. Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (3rd ed., 2010).

** James Lockhart, JD, *Cause Of Action To Annul Marriage*, [29 C.O.A. 431](#) (1992).

Table 2: Sample Proof of Grounds for Annulment

42 [POF2d](#) 665

Concealed intent not to consummate marriage	§§ 23-24
Fraudulent failure to disclose prior undissolved marriage	§§ 18-22
Fraudulent misrepresentation of paternity	§§ 13-16
Marriage entered into under duress	§§ 38-40
Marriage fraudulently induced to obtain permanent resident visa or "green card"	§§ 34-37
Marriage induced by concealment of impotency	§§ 31-33
Mental incapacity to marry due to excessive intoxication	§§ 41-45
Wife's concealment of sterility	§§ 25-30

Table 3: Concealment or misrepresentation

Concealment or Misrepresentation as Grounds for Annulment of Marriage <i>Selected Cases</i>	
<p><u>Vascianna v. Vascianna</u>, Superior Court, Judicial District of Hartford at Hartford, No. FA 11-4057012 S (Mar. 19, 2012).</p>	<p>"In the present case the plaintiff is essentially claiming the defendant married her solely to obtain a green card and the right to remain legally in the United States....</p> <p>The court finds the plaintiff met her burden of proof of clear and convincing evidence that the defendant entered into the marriage under fraudulent pretenses."</p>
<p><u>Rice v. Monteleone</u>, Superior Court, Judicial District of New London at New London, No. FA02-0563144 S (Feb. 25, 2004) (2004 WL 503689).</p>	<p>"In essence, the plaintiff's claims, which form the bases of her request for an annulment, are that the defendant lied to her in his assertions of love and affection and married her for her money. Even if one assumes for the sake of argument that those claims were proven, they are not sufficient for the entry of an order of annulment."</p>
<p><u>DaSilva v. DaSilva</u>, Superior Court, Judicial District of New Haven at New Haven, No. FA02 0470290 (April 21, 2003), (2003 WL 21037549).</p>	<p>"The Wife alleged that the Husband had married her for a green card, that he did not contribute to the household financially, that he was not supportive of her, that he was insulting to her, that he did not spend time with her, and that he referred to his family in Brazil as his real family.</p> <p>The only real issue before the court is the allegation regarding the green card. All the other allegations arose after the marriage and are best addressed through a dissolution, not an annulment. They may well be indicta of the allegation, but their mere recitation do not make them evidence or proof.</p> <p>Therefore, the remaining issue before the court is whether or not this marriage is voidable based upon the reason claimed by the Wife."</p> <p>"From the evidence presented by the Wife at the trial, it is not sufficiently clear that the Husband married the Wife for a green card. The Wife and her two witnesses testified that: the Wife and the Husband had had sexual relations; the Husband contributed financially to the household, although not at the level of contribution that the Wife thought proper; that the Wife and the Husband lived together as husband and wife; the Husband had performed repairs to the marital residence. The Wife and her two witnesses also testified that the Husband: was verbally abusive; unsympathetic to her medical needs;</p>

	<p>ignored her and her needs; did not take her out with him; did not want to spend time with her; spoke Portuguese in her presence thereby excluding her from conversations. The Wife did not sustain her burden of proving, by clear and convincing evidence, that the conditions leading up to and surrounding the marriage render the marriage void or voidable."</p>
<p><u>Brennauer v. Brennauer</u>, Superior Court, Judicial District of New London at Norwich, No. FA 02-0124680S (Nov. 15, 2002), (2002 WL 31687423).</p>	<p>"Counts one, three, four and five seek an annulment of the marriage on the following grounds, respectively: that the defendant had determined prior to the marriage never to cohabit or consummate the marriage and that if the plaintiff had known this, he never would have entered into the marriage; that the defendant created fraud upon the deceived plaintiff in that she concealed facts which would have affected the plaintiffs decision to enter into the marriage; that the defendant lacked the requisite intent to be married and misrepresented her intentions regarding the ceremony; and that the marriage ceremony itself was defective."</p> <p>"In count three, the plaintiff is seeking an annulment on the ground that the defendant created a fraud upon him and concealed facts that if known would have prevented him from entering into the marriage."</p> <p>"In count five, the plaintiff is seeking an annulment on the ground that the ceremony was defective and therefore the marriage is void."</p> <p>"The court grants a dissolution of the marital union based upon irretrievable breakdown and declares the parties to be single and unmarried. The plaintiff failed to sustain his burden of proof in his claim for annulment."</p>
<p><u>Hardy v. Hardy</u>, Superior Court, Judicial District of Tolland at Rockville, No. FA 95 57392 S (Nov. 7, 1995) (1995 WL 669153).</p>	<p>"The plaintiff claims that this marriage is voidable because the defendant fraudulently led her to believe he earned \$22,000 per year when he only earned \$16,000; that he had no outstanding bills when he did; that he failed to pay her for the cost of being added to her medical plan as he promised and that the marriage was not consummated.</p> <p>There was insufficient evidence to prove the defendant fraudulently made any of the representations alleged, and he disputes that the marriage was not consummated."</p>
<p><u>Roby v. Roby</u>, Superior Court, Judicial District of New Haven at Meriden, No. FA 94-0245099 (May 19, 1994) (11 CLR</p>	<p>"The plaintiff claims the misrepresentation of the defendant's status as a father of two children warrants a finding by the court that the ' . . . marriage is void or voidable under the laws of this state. . .' General Statutes 46b-40(b). However, such misrepresentation was</p>

509) (1994 WL 228287).	specifically addressed in <i>Gordon vs. Gordon</i> , 11 Conn. Sup. 302 (1942) where the court found the defendant's failure to reveal he had four other children in addition to the one he admitted was insufficient as a matter of law to conclude the marriage was void. See also, <i>Fattibene vs. Fattibene</i> , 183 Conn. 433 (1981)."
<u>Sinojia v. Sinojia</u> , Superior Court, Judicial District of Waterbury at Waterbury, No. 113953 (Sept. 27, 1994) (12 CLR 483) (1994 WL 551275).	"It is not sufficiently clear that the defendant entered into this marriage <i>solely</i> to gain access to the U.S.A. via a visa as an alien relative. Since clear and convincing evidence is necessary to prove fraudulent misrepresentation, the court concludes that the plaintiff's evidence falls short. The plaintiff's complaint for annulment is denied."
<u>Gregor v. Kamerling</u> , Superior Court, Judicial District of New Haven at New Haven, No. FA 89-0257042-S (Aug. 5, 1992) (7 CSCR 1018) 1992 WL 201781.	"The court finds first that there was no concealment, and finds, further, that even if there has been such concealment, that it did not prevent some essential purpose of the marriage."
<u>Phillips v. Dame</u> , Superior Court, Judicial District of New London, No. 518815 (Jul. 11, 1991) (4 CLR 650) (6 CSCR 718) (1991 WL 131732).	"Failure to consummate the marriage does not in and of itself constitute grounds for the granting of an annulment."
<u>Fattibene v. Fattibene</u> , 183 Conn. 433, 437, 441 A.2d 3, 5 (1981).	<p>"In the counterclaim to the complaint, the defendant sought an annulment of the marriage based on the plaintiff's fraudulent nondisclosure at the time of the marriage of her prior marital status and of the previous birth of a child. Although there is evidence in the record to the contrary, the defendant alleges that he did not learn of the nondisclosed facts until the commencement of this action, over twenty-five years after the wedding ceremony, and never condoned the plaintiff's fraud or cohabitated with her after discovering it. The trial court decided that a valid marriage existed between the parties and dissolved it, rather than declare it null and void. The defendant claims on appeal that the trial court erred."</p> <p>"The trial court did not err when it failed to grant the defendant's claim for an annulment based on the plaintiff's nondisclosures or the alleged invalid divorce decree." (p. 440).</p>

<p><u>Bernstein v. Bernstein</u>, 25 Conn. Sup. 239, 240-241, 201 A.2d 660, 661 (1964).</p>	<p>"To warrant the annulment of a marriage, the cause must be such as goes to the essence of the marriage contract. Consent of the participants is a necessary condition to the creation of a valid marriage relationship, and there must be an intention of the parties to enter into the marriage status. <i>Davis v. Davis</i>, 119 Conn. 194. The concealed intent not to assume the duties of the marital relationship is sufficient cause for an annulment."</p>
<p><u>Cocco v. Cocco</u>, 23 Conn. Sup. 275, 276, 181 A. 2d 266, 267 (1962).</p>	<p>"Plaintiff claims that the defendant's Mexican divorce is a nullity, hence that defendant was still married to his first wife when plaintiff married him, and that her own marriage is therefore bigamous and void."</p> <p>"In the opinion of the court, there are two main grounds requiring the denial of the annulment. The first one relates to the legal power of the plaintiff to attack the divorce decree. Since she was not a party to the Mexican divorce proceedings, she is a stranger making a collateral attack on the decree." (p. 277)</p> <p>"As to plaintiff's legal power to make the attack, even if it be assumed to the contrary, there is no sufficient proof warranting the court, in its opinion, in finding, as claimed by plaintiff, that the present defendant 'never established a legal domicil' in Mexico, and that 'he went to Mexico for the sole purpose of obtaining a divorce.'" (p. 278).</p>

Section 3: Procedures in Annulment

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the procedures for obtaining an annulment in Connecticut

COURT RULES:

- Conn. Practice Book (2013)
§ [25-2](#). Complaints for Dissolution of Marriage or Civil Union, Legal Separation, or Annulment

STATUTES:

- Conn. Gen. Stat. (2013)

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Chapter 815 Court Proceedings in Family Relations Matters

- § [46b-1](#). Family relations matters defined.
- § [46b-6](#). Investigations.
- § [46b-9](#). Hearing by referee in action for . . . annulment.
- § [46b-10](#). Attempt at reconciliation in action for . . . annulment.
- § [46b-11](#). Closed hearings and records.

Chapter 815j Dissolution of Marriage, Legal Separation and Annulment

- § [46b-42](#). Jurisdiction. "The Superior Court shall have exclusive jurisdiction of all complaints seeking a decree of annulment"
- § [46b-43](#). Capacity of minor to prosecute or defend.
- § [46b-45](#). Service and filing of complaint.
- § [46b-45a](#). Allegations of pregnancy in pleadings. Disagreement as to paternity. Hearing.
- § [46b-46](#). Notice to nonresident party. Jurisdiction over nonresident for alimony and support.
- § [46b-48](#). Dissolution of marriage or annulment upon conviction of crime against chastity; procedure.
- § [46b-49](#). Private hearing.
- § [46b-53](#). Conciliation procedures; privileged communications.
- § [46b-55](#). Attorney General as party. Paternity establishment.
- § [46b-56](#). Orders re custody, care, education, visitation and support of children. Best interests of the child. Access to records of minor child by noncustodial parent. Orders re therapy, counseling and drug or alcohol screening.
- § [46b-56c](#). Educational support orders.
- § [46b-62](#). Orders for payment of attorney's fees in certain actions.
- § [46b-67\(b\)](#). Waiting period. Effect of decree. "Neither the ninety-day period specified in this section nor the six-month period

referred to in section 46b-53 shall apply in actions for annulment and the court may proceed on any cause of action for annulment in the manner generally applicable in civil actions."

§ [46b-69](#). Statutes applicable to matrimonial actions.

§ [46b-69a](#). Wage executions and earnings assignments.

§ [46b-82](#). Alimony.

FORMS:

- [Connecticut Practice Series: Civil Practice Forms](#), volume 3 (2004).
Complaint for Annulment, Form 504.5
- Douglass B. Wright and John H. Yeomans, [Connecticut Legal Forms](#) (1983), volume 1A
Complaint for Annulment, Form 1101.5
- [29 C.O.A. 431](#), *Cause Of Action To Annul Marriage* (1992).
 - § 42. Sample complaint
 - § 42.10. Sample complaint to annul marriage where there are no children or property (pocket part)
 - § 42.20. Sample complaint to annul "mock" marriage (pocket part)
- 1C [Am. Jur. Pleading & Practice Forms](#) *Annulment Of Marriage* (2003 rev.).
 - § 3. Checklist – Drafting a complaint in an action for annulment of marriage
 - § 4. Complaint, petition, or declaration—To annul marriage—No children or property
 - § 5. Complaint, petition, or declaration – To annul marriage – Allegation – Property acquired during marriage
 - § 12. Complaint, petition, or declaration—To annul marriage—Mock marriage – Lack of Intent
 - § 21. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage—Absence of children or property
 - § 22. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage—Absence of children—Property accumulated
 - § 23. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage—Divorce decree not final
 - § 29. Complaint, petition, or declaration – To annul marriage where party under age – By guardian ad litem for minor
 - § 30. Complaint, petition, or declaration – To annul marriage where party under age – By guardian or parent
 - § 36. Complaint, petition, or declaration—To annul incestuous marriage

- § 37. Complaint, petition, or declaration—To annul incestuous marriage—Plaintiff not pregnant
- § 41. Complaint, petition, or declaration—To annul marriage on ground of fraud—Undisclosed intent not to cohabit
- § 69. Complaint, petition, or declaration—To annul marriage on ground of physical incapacity—General form

TEXTS & TREATISES:

- Renee Bevacqua Bollier and Susan V. Busby, [Stephenson's Connecticut Civil Procedure](#), 3rd edition, volume 2
 - § 263. Annulment
 - c. Jurisdiction Required
 - d. Procedure
 - e. Where Children are Involved
- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
 - Chapter 14. Procedure in Annulment Actions
 - § 14.1. In General
 - § 14.2. Jurisdiction
 - § 14.3. Commencement of Action; Service of Process
 - § 14.4. Parties
 - § 14.5. Pleadings in Annulment Actions
 - § 14.6 Presumption and Burden of Proof
 - § 14.7 Judgment and Orders in Annulment Actions
- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
 - Chapter 3 – The Suit to Annul
 - § 3.3 The Suit to Annul – Procedure in General

WEST KEY NUMBERS:

- *Marriage*
 - # 60 Jurisdiction and proceedings
 - (.5) In general
 - (1) Who May Sue
 - (2) Time to Sue
 - (7) Evidence
 - (8) Trial or hearing

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment of Marriage* (2007)
 - E. Pleading and Proof
 - § 66. Pleadings
 - § 67. Competency and Admissibility of Evidence
 - § 68. Burden of Proof
 - § 69. Sufficiency of Proof
 - § 70. Sufficiency of Proof – Necessity of Corroboration of Testimony Concerning Grounds for Annulment
 - § 71. Proof of Fraud or Duress
 - § 72. Proof of Physical Incapacity or Impotency

§ 73. Proof of Mental Incapacity
§ 74. Proof of Mental Incapacity – Evidence of
Previous or Subsequent Mental Condition
§ 75. Proof of Prior Undissolved Marriage; Bigamy

- 55 [C.J.S. Marriage](#) (2009)
 - § 80. Evidence
 - § 81. Burden of proof
 - § 82. Evidence – Admissibility
 - § 83. –Weight and sufficiency
 - § 84. Trial or hearing
- Maurice T. Brunner, Annotation, *Rule As Regards Competency Of Husband Or Wife To Testify As To Nonaccess*, 49 [ALR3d](#) 212 (1973).
- Annotation, *Power Of Incompetent Spouse's Guardian, Committee, Or Next Friend To Sue For Granting Or Vacation Of Divorce Or Annulment Of Marriage, Or To Make A Compromise Or Settlement In Such Suit*, 6 [ALR3d](#) 681 (1966).
- Annotation, *Necessity And Sufficiency Of Corroboration Of Plaintiff's Testimony Concerning Ground For Annulment Of Marriage*, 71 [ALR2d](#) 620 (1960)
- Annotation, *Limitation Of Actions For Annulment Of Marriage*, 52 [ALR2d](#) 1163 (1957).
- Annotation, *Right To Attack Validity Of Marriage After Death Of Party Thereto*, 47 [ALR2d](#) 1393 (1956).
- Annotation, *Applicability, To Annulment Actions, Of Residence Requirements Of Divorce Statutes*, 32 [ALR2d](#) 734 (1953).
- Annotation, *Antenuptial Knowledge Relating To Alleged Grounds As Barring Right To Annulment*, 15 [ALR2d](#) 706 (1951).

Figure 1: Complaint for Annulment (Form 504.5)

Complaint for Annulment

1. The plaintiff (*or* defendant) whose maiden name was _____
and the defendant (*or* plaintiff) intermarried on (*date*) at _____.

2. (*Set forth reasons why marriage was invalid or should be annulled.*)

3. (*Set forth names and birthdate of any minor child born to the wife since the marriage, if any, and other information required by § 25-2(b).*)

The plaintiff claims

1. An annulment of said marriage
2. Restoration of her maiden name
3. Lying-in expenses incurred in the future birth of any child issue of this marriage.
4. Custody and support for the minor children
5. Alimony
6. Counsel fees

Figure 2: Complaint

Ret. September 18, 1984	: Superior Court
David Singh	: J.D. Hartford-New Britain at
vs.	: Hartford
Seoranie Sangh	: August 28, 1984

COMPLAINT

1. The plaintiff and defendant, whose maiden name was Seoranie Shewharain, intermarried at Hartford, Connecticut, on January 13, 1983.
2. The marriage was entered into upon the mistaken belief by both parties that they were not related.
3. The parties have recently discovered that they are uncle and niece.
4. There are no minor children issue of said marriage
5. No other minor children have been born to the defendant since the date of marriage of the parties.
6. The State of Connecticut is not contributing to the support of either party.

Wherefore, plaintiff claims:

1. An annulment of said marriage.

_____ Esq., of Hartford, Connecticut, is recognized in the sufficient sum of \$250.00 to prosecute, etc.

By _____ Plaintiff
His Attorney

Section 4: Defenses to Annulment

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to defenses to actions for annulment

COURT RULES:

- Conn. Practice Book (2013)
 - § [25-9](#). Answer, Cross Complaint, Claims for Relief by Defendant
 - § [25-10](#). — Answer to Cross Complaint

FORMS:

- 1C [Am. Jur. Pleading and Practice](#) *Annulment of Marriage* (2003 rev.)
 - § 24. Answer—divorce obtained from former spouse in another state
 - § 32. Answer—Defense—Parties of lawful age in state where marriage performed
 - § 50. Answer—Defense—Statute of limitations

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Fattibene v. Fattibene](#), 183 Conn. 433, 437, 441 A.2d 3, 5 (1981). "In the counterclaim to the complaint, the defendant sought an annulment of the marriage based on the plaintiff's fraudulent nondisclosure at the time of the marriage of her prior marital status and of the previous birth of a child. Although there is evidence in the record to the contrary, the defendant alleges that he did not learn of the nondisclosed facts until the commencement of this action, over twenty-five years after the wedding ceremony, and never condoned the plaintiff's fraud or cohabitated with her after discovering it. The trial court decided that a valid marriage existed between the parties and dissolved it, rather than declare it null and void. The defendant claims on appeal that the trial court erred."

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment of Marriage* (2007)
 - III. Defenses
 - A. In General
 - § 33. Generally
 - § 34. Equitable defenses: clean hands; estoppel
 - B. Postnuptial conduct; ratification of marriage
 - § 35. Condonation
 - § 36. Marriage induced by fraud or duress
 - § 37. Marriage under age of consent
 - § 38. Cohabitation with knowledge of bigamous marriage
 - § 39. Refusal of intercourse; refusal to have children
 - § 40. Impotence
 - § 41. Mental incompetence
 - C. Antenuptial knowledge of ground for annulment
 - § 42. Generally

- § 43. Existence of undissolved prior marriage
- § 44. ---Application of doctrine of estoppel and clean hands
- IV. Action for Annulment
 - B. Time for Bringing Suit
 - § 54. Limitation of actions
 - § 55. ---Depending on grounds for which annulment is sought
 - § 56. Delay in bringing action; laches
 - § 57. Bringing action after death of party
 - § 58. ---For particular causes of invalidity
- 55 [C.J.S. Marriage](#) (2009)
 - § 73. Defenses
 - § 75. Time to Sue and limitations; laches
- James Lockhart, *Cause Of Action To Annul Marriage*, 29 [COA](#) 431 (1992). Defenses
 - §23 Generally
 - §24 Prior knowledge of annulment grounds
 - §25 Ratification
 - §26 –Ratification or validation of void marriage
 - §27 Nonessential fraud
 - §28 Res Judicata and collateral estoppel
 - §29 Laches, equitable estoppel, and unclean hands

TEXTS & TREATISES:

- Arnold H. Rutkin, general editor, [Family Law and Practice](#), volume 1
 - Chapter 5. Annulment
 - § 5.03. Defenses; Generally
- Harry D. Krause and David D. Meyer, [Family Law in a Nutshell](#), 5th ed.
 - Chapter 18. Annulment
 - § 18.2. Defenses
- Joyce Hens Green et al., [Dissolution of Marriage](#) (1986)
 - Chapter 3. Other Types of Dissolution
 - §3.01 Annulment, p.124

WEST KEY NUMBERS:

- *Marriage*
59 Defenses

Section 5: Jurisdiction

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to jurisdiction in an action for annulment of marriage in Connecticut

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)

Chapter 815. Court proceedings in family relations matters

§ [46b-1](#). "Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving. . . (3) annulment of marriage"

Chapter 815j. Dissolution of Marriage, Legal Separation and Annulment

§ [46b-42](#). Jurisdiction. "The superior court shall have exclusive jurisdiction of all complaints seeking a decree of annulment"

§ [46b-43](#). Capacity of minor to prosecute or defend.

§ [46b-46](#). Notice to nonresident party. Jurisdiction over nonresident for alimony and support.

§ [46b-67\(b\)](#). "Neither the ninety-day period specified in this section nor the six-month period referred to in section 46b-53 shall apply in actions for annulment and the court may proceed on any cause of action for annulment in the manner generally applicable in civil actions."

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Manndorff v. Dax](#), 13 Conn. App. 282, 284-285, 535 A.2d 1324, 1325 (1988). "Although the annulment statutes do not specifically say so, the parties agree, as do we, that there is an additional requirement with respect to subject matter jurisdiction over annulment actions. At least one party must be domiciled in Connecticut."
- [Mazzei v. Cantales](#), 142 Conn. 173, 176, 112 A.2d 205, 207 (1955). "But the statutory provisions concerning residence and domicil and service by order of notice pertain, by their terms, only to actions for divorce. The legislature has manifested no intention that they shall apply to actions for annulment."
- [Mazzei v. Cantales](#), 142 Conn. 173, 179 (1955), 112 A.2d 205, 208 (1955). "Where both parties to an action for annulment of a void marriage are non-residents and the defendant is not served with process within this state or does not appear and submit to the jurisdiction of the Superior Court, the fact that the marriage was performed within this state does not empower the court to obtain jurisdiction over the defendant by constructive service and to render a judgment annulling the marriage."

- [Perlstein v. Perlstein](#), 152 Conn. 152, 160, 204 A.2d 909, 913 (1964). "It follows that the statute (§52-68) generally governing service by publication on a nonresident defendant properly applies to an annulment action, where, as here, the plaintiff is domiciled in Connecticut."

**WEST KEY
NUMBERS:**

- *Marriage*
60 Jurisdiction and proceedings
(3) Jurisdiction

**TEXTS &
TREATISES:**

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14. Procedure in Annulment Actions
§ 14.2 Jurisdiction
- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
Chapter 3 – The Suit to Annul
§ 3.2 The Suit to Annul – Jurisdiction

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment of Marriage* (2007)
IV. Action for Annulment
A. In General
§ 47. Jurisdiction and venue; state of domicile
§ 48. ---State of celebration of marriage
§ 49. What law governs
§ 50. Residential requirements
- 55 [C.J.S.](#) *Marriage* (2009)
§ 74. Jurisdiction
- Annotation, *Applicability, To Annulment Actions, Of Residence Requirements Of Divorce Statutes*, 32 [ALR2d](#) 734 (1953).

Section 6: Service of Process and Venue

A Guide to Resources in the Law Library

SCOPE:

Bibliographic sources relating to the procedures for service of process in an action for annulment of marriage.

DEFINITIONS:

- **PROCESS:** "shall be a writ of summons or attachment, describing the parties, the court to which it is returnable and the time and place of appearance, and shall be accompanied by the plaintiff's complaint." Conn. Practice Book [§8-1\(a\)](#) (2013).
- **VENUE:** "A proceeding for annulment, dissolution of marriage or legal separation shall be commenced by the service and filing of a complaint as in all other civil actions in the Superior Court for the judicial district in which one of the parties resides. The complaint may also be made by the Attorney General in a proceeding for annulment of a void marriage. The complaint shall be served on the other party." Conn. Gen. Stat. [§ 46b-45\(a\)](#) (2013).
- **MANNER OF SERVICE:** "Except as otherwise provided, process in any civil action shall be served by leaving a true and attested copy of it, including the declaration or complaint, with the defendant, or at his usual place of abode, in this state." Conn. Gen. Stat. [§ 52-57\(a\)](#) (2013).
- **USUAL PLACE OF ABODE:** "It is clear that one's 'usual place of abode' is in the place where he would most likely have knowledge of service of process Its chief purpose is to ensure actual notice to the defendant that the action is pending The usual place of abode is generally considered to be the place where the person is living at the time of service It is not necessarily his domicile . . . and a person may have more than one usual place of abode In the final analysis, the determination of one's usual place of abode is a question of fact and the court may consider various circumstances." *Plonski v. Halloran*, 36 Conn. Supp. 335, 335-336, 420 A.2d 117-118 (1980).

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
 - Chapter 815j.** Dissolution of marriage, Legal separation and Annulment
 - [§ 46b-45.](#) Service and filing of complaint.
 - [§ 46b-46.](#) Notice to nonresident party. Jurisdiction over nonresident for alimony and support.
 - Chapter 896.** Civil process, service and time for return
 - [§ 52-46.](#) Time for service.
 - [§ 52-48.](#) Return day of process.
 - [§ 52-50.](#) Persons to whom process shall be directed.
 - [§ 52-54.](#) Service of summons.
 - [§ 52-57.](#) Manner of service upon individuals
 - (a) "Except as otherwise provided, process in any civil action shall be served by leaving a true and attested copy of it, including the declaration or complaint,

with the defendant, or at his usual place of abode, in this state."

COURT RULES:

- Conn. Practice Book (2013)
 - Chapter 8. Commencement of action
 - § [8-1](#). Mesne Process
 - § [8-2](#). Waiver of court fees and costs
 - Chapter 10. Pleadings
 - § [10-12](#). Service of the Pleading and Other Papers; Responsibility of Counsel or Pro Se Party: Documents and Persons to Be Served
 - § [10-13](#). —Method of service
 - § [10-14](#). —Proof of service
 - § [10-15](#). —Numerous defendants
 - § [10-16](#). —Several parties represented by one attorney
 - Chapter 25. Procedure in Family Matters
 - § [25-28](#). Order of Notice

COURT FORMS:

- [JD-FM-3](#). Summons, Family Actions (rev. 9/12)
- [JD-FM-167](#). Motion for Order of Notice in Family Cases (rev. 2/11)
- [JD-FM-168](#). Order of notice in family cases (rev. 12/10)
- [JD-FM-169](#). Motion for additional orders of notice in family cases (rev. 4/08)

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Babouder v. Abdennur](#), 41 Conn. Supp. 258, 262, 566 A2d 457, 459 (1989). "In Connecticut, as in other states, the court will not exercise jurisdiction in a civil case which is based upon service of process on a defendant who has been decoyed, enticed or induced to come within the court's jurisdiction by any false representation, deceitful contrivance or wrongful device for which the plaintiff is responsible This rule does not apply, however, when the defendant enters the state on his own, even if the plaintiff and his agents then engage in trickery to make service of process."
- [Gluck v. Gluck](#), 181 Conn. 225, 435 A.2d 35 (1980). *Abode service*.

WEST KEY NUMBERS:

- *Marriage*
 - # 60 Jurisdiction and proceedings
 - (4) Process or notice

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) Annulment of Marriage (2007)
 - IV. Action for Annulment
 - A. In General
 - § 51. Service of process
 - § 52. ---Constructive service
- 55 [C.J.S.](#) *Marriage* (2009)
 - § 78. Process of notice

TEXTS:

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14. Procedure in Annulment Actions
§ 14.3 Commencement of action; Service of process
- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
Chapter 3 – The Suit to Annul
§ 3.2 The Suit to Annul – Jurisdiction
Service of Process, p. 228

Section 7: Parties

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to proper or necessary parties to an action for annulment of marriage in Connecticut

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
Chapter 815j Dissolution of Marriage, Legal Separation and Annulment
 - § [46b-43](#). Capacity of minor to prosecute or defend.
 - § [46b-45](#). Service and filing of complaint.
 - “(a) A proceeding for annulment . . . shall be commenced by the service and filing of a complaint as in all other civil actions in the Superior Court for the judicial district in which one of the parties resides. The complaint may also be made by the Attorney General in a proceeding for annulment of a void marriage. The complaint shall be served on the other party.”

COURT RULES:

- Connecticut Practice Book (2013)
 - Chapter 9. Parties
 - § [9-1](#). Continuance for absent or nonresident defendant
 - § [9-3](#). Joinder of parties and actions; interested persons as plaintiffs
 - § [9-4](#). —Joinder of plaintiffs in one action
 - § [9-5](#). —Consolidation of actions
 - § [9-6](#). —Interested persons as defendants
 - § [9-18](#). Addition or substitution of parties; additional parties summoned in by court
 - § [9-19](#). —Nonjoinder and misjoinder of parties
 - § [9-22](#). —Motion to cite in new parties
 - § [9-24](#). Change of name by minor children
 - Chapter 10. Pleadings
 - § [10-12](#). Service of the pleadings and other papers; responsibility of counsel or self-represented party; documents and persons to be served
 - § [10-13](#). —Method of service
 - § [10-14](#). —Proof of service
 - § [10-15](#). —Numerous defendants
 - § [10-16](#). —Several parties represented by one attorney

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Anderson v. Anderson](#), 27 Conn. Sup. 342, 343, 238 A.2d 45 (1967). "This action raises the question: Is the plaintiff, a Connecticut resident, a 'guilty' party to a bigamous marriage entered into in the state of New York, entitled to a decree declaring that marriage null and void?"
- [Mannendorff v. Dax](#), 13 Conn. App. 282, 287, 535 A.2d 1324, 1326 (1988). "Although interested in the defendant's marriage to the husband, the plaintiff, as a nonparty to that marriage, had no right to maintain an action for its annulment."

- O'Brien v. O'Brien, 3 Conn. Sup. 1, 5 (1935). "There is no question, under the evidence, that the invalidity of the marriage was never judicially pronounced and none that any effort was ever made to bring its legality into question before Harriet O'Brien died. Harriet O'Brien's death ended all opportunity of ever doing so."

**WEST KEY
NUMBER:**

- *Marriage*
60 Jurisdiction and proceedings
(5) Parties

**TEXTS &
TREATISES:**

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14. Procedure in Annulment Actions
§ 14.4 Parties

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment* (2007)
IV. Action for Annulment
C. Parties
§ 59. Generally
§ 60. Party charging fraud or duress
§ 61. Party under age of consent
§ 62. Party alleging bigamy
§ 63. Party who is mentally incompetent
- 55 [C.J.S.](#) *Marriage* (2009)
§ 76. Parties
§ 77. ---Persons under disability

Section 8: Pleading

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the pleadings in an annulment in Connecticut
- STATUTES:**
- Conn. Gen. Stat. (2013)
Chapter 815j Dissolution of Marriage, Legal Separation and Annulment
§ [46b-45](#). Service and filing of complaint.
- COURT RULES:**
- Connecticut Practice Book (2013)
 - § [25-1](#). Definitions applicable to proceeding on family matters
 - § [25-2](#). Complaint for annulment
 - § [25-5](#). Automatic orders upon service of complaint
“The following automatic orders shall apply to both parties, with service of the automatic orders to be made with service of process of... annulment...”
 - § [25-9](#). _____. Answer, cross complaint, claims for relief by defendant
 - § [25-10](#). _____. Answer to cross complaint
- FORMS:**
- [Connecticut Practice Book](#), volume 3 (2004). [Complaint for Annulment, Form 504.5](#)
 - Douglass B. Wright and John H. Yeomans, [Connecticut Legal Forms](#), volume 1A (1983).
Complaint for Annulment, Form 1101.5
 - 29 [COA](#) 431 (1992). Cause of action to annul marriage.
 - § 42. Sample complaint
 - § 42.10. Sample complaint to annul marriage where there are no children or property (pocket part)
 - § 42.20. Sample complaint to annul "mock" marriage (pocket part)
 - § 44. Checklist (pocket part)
 - 1C [Am. Jur. Pleading & Practice Forms Annotated](#) *Annulment of Marriage* (2003 rev.)
 - § 4. Complaint, petition, or declaration—To annul marriage—No children or property
 - § 12. Complaint, petition, or declaration—To annul marriage—Mock marriage – Lack of intent
 - § 21. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage—Absence of children or property
 - § 22. Complaint, petition, or declaration—To annul marriage on ground of prior existing marriage—Absence of children—Property accumulated
 - § 23. Complaint, petition, or declaration—To annul

- marriage on ground of prior existing marriage—
Divorce decree not final
- § 36. Complaint, petition, or declaration—To annul
incestuous marriage
- § 37. Complaint, petition, or declaration—To annul
incestuous marriage—Plaintiff not pregnant
- § 41. Complaint, petition, or declaration—To annul
marriage on ground of fraud—Undisclosed intent not
to cohabit
- § 69. Complaint, petition, or declaration—To annul
marriage on ground of physical incapacity—General
form

**RECORDS &
BRIEFS:**

- Connecticut Supreme Court Records & Briefs, *Singh v. Singh*, 213 Conn. 637 (argued November 1989). [Complaint](#).

CASES:

- [Durham v. Miceli](#), 15 Conn. App. 96, 97, 543 A.2d 286, 287 (1988). "In order to be entitled to an annulment of marriage, the plaintiff must allege and prove that 'the marriage is void or voidable under the laws of this state or, the state in which the marriage was performed.' General Statutes § 46b-40(b). The plaintiff's complaint is devoid of such allegations."

**WEST KEY
NUMBER:**

- *Marriage*
60 Jurisdiction and proceedings
(6) Pleading

**TEXTS &
TREATISES:**

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14 . Procedure in Annulment Actions
§ 14.5. Pleadings in annulment actions

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment of Marriage* (2007)
IV. Action for Annulment
E. Pleading and Proof
§ 66. Pleadings
- 55 [C.J.S.](#) *Marriage* (2009)
§ 79. Pleading

Figure 3: Judgment—Annulment

Form 507.3

Judgment - Annulment

This action, by writ and complaint, claiming an annulment of the marriage of the parties and other relief, came to this court on *(return date)* and thence to later dates when the defendant appeared and the action was claimed for hearing *(or)* the defendant made default of appearance. *(Add finding of due service and military status of defendant. See Form 507.1)*

The matter came thence to the present time when the plaintiff appeared to prosecute the claim for an annulment of the marriage.

The court, having heard the evidence, finds the following:

1. The woman, by the name of _____ was married to the man on _____ at _____.
2. _____ *(Set forth reason for annulment)*
3. Only the following minor child or children have been born to the woman since the date of the marriage, all of whom are the issues of the parties hereto:

except:

Whereupon it is adjudged that the marriage of the parties to this action be and it is hereby declared to be null and void and that each of the parties to this action are hereby declared to be single and unmarried, and that the name of the plaintiff (or) defendant is hereby declared to be _____, by which name she shall hereafter be known and called.

(Add any orders re custody, alimony, support, etc.)

By the Court

Judge - Assistant Clerk

(P.B. 1963, Form 492.)

Section 9: Children and Annulment

A Guide to Resources in the Law Library

SCOPE:

- Bibliographic resources relating to children and annulment including child support, custody and visitation

STATUTES:

- Conn. Gen. Stat. (2013)
Chapter 815j. Dissolution of Marriage, Legal Separation and Annulment
§ [46b-60](#). Orders re children and alimony in annulment cases.
"The issue of any void or voidable marriage shall be deemed legitimate."
§ [46b-84](#). Parents' obligation for maintenance of minor child. Order for health insurance coverage.
§ [46b-86](#). Modification of alimony or support orders and judgments.

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Hames v. Hames](#), 163 Conn. 588, 593, 316 A.2d 379, 382 (1972). "Section 46-28 of the General Statutes provides that the issue of any void or voidable marriage shall be deemed legitimate and permits the Superior Court to order alimony, custody and child support as it might in a divorce proceeding."
- [Sarantos v. Sarantos](#), 18 Conn. Supp. 472, 474 (1953). "Our statute...empowers our court to annul a marriage illegal under the laws of the foreign state in which it was celebrated. It does not purport to carry over to Connecticut the foreign law of the state in which the marriage was celebrated as to the legitimacy of the offspring of such marriage. The question of legitimacy under the facts here is governed by the law of Connecticut, which at the time of the child's birth was, and up to the present time continuously has been, the domicile of both parents and of the child."

TEXTS & TREATISES:

- Renee Bevacqua Bollier and Susan V. Busby, [Stephenson's Connecticut Civil Procedure](#), 3rd edition, volume 2
§263. Annulment
e. Where Children are Involved
- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14. Procedure in Annulment Actions
§ 14.8 Legitimacy of children
- Homer H. Clark, [Law of Domestic Relations in the United States](#), (2nd ed. 1987), volume 1
Chapter 3 – The Suit to Annul
§ 3.4 The Suit to Annul – Custody, Support and Legitimacy of Children of Annulled Marriages

ENCYCLOPEDIAS:

- 4 [AmJur2d](#) *Annulment of Marriage* (2007)
 - IV. Action for Annulment
 - F. Judgment and Incidental Relief
 - 2. Custody, Support, and Paternity of Children
 - § 87. Determination of custody and support of children
 - § 88. Determination of visitation rights
 - § 89. Determination of paternity or legitimacy
- 55 [C.J.S.](#) *Marriage* (2009)
 - § 87. Relief awarded --- Custody and support of children
- 1C [Am. Jur. Pleading & Practice Forms Annotated](#) *Annulment of Marriage* (2003 rev.)
 - III. Custody of Children, Support, and Litigation Expenses
 - A. In General (§ 75)
- George L. Blum, Annotation, *Grandparents' Visitation Rights Where Child's Parents Are Living*, 71 [ALR5th](#) 99 (1999). § 9. "Where child's parents' marriage is annulled."
- Annotation, *Court's Power As To Custody And Visitation Of Children In Marriage Annulment Proceedings*, 63 [ALR2d](#) 1008 (1959).
- Annotation, *Court's Power As To Support And Maintenance Of Children In Marriage Annulment Proceedings*, 63 [ALR2d](#) 1029 (1959).

Section 10: Property Distribution

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to property distribution and annulments in Connecticut

DEFINITION:

"(a) At the time of entering a decree annulling or dissolving a marriage or for legal separation pursuant to a complaint under section 46b-45, the Superior Court may assign to either the husband or wife all or any part of the estate of the other. The court may pass title to real property to either party or to a third person or may order the sale of such real property, without any act by either the husband or the wife, when in the judgment of the court it is the proper mode to carry the decree into effect." CONN. GEN. STAT. [46b-81](#) (2013).

"(c) In fixing the nature and value of the property, if any, to be assigned, the court, after hearing the witnesses, if any, of each party, except as provided in subsection (a) of section 46b-51, shall consider the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates." CONN. GEN. STAT. [46b-81](#) (2013).

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
Chapter 815j. Dissolution of Marriage, Legal Separation and Annulment
§ [46b-66a](#). Order of court re conveyance of title to real property. Effect of decree.
§ [46b-80](#). Prejudgment remedies available; lis pendens; notice; effect.
§ [46b-81](#). Assignment of property and transfer of title.

TEXTS & TREATISES:

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14: Procedure in Annulment Actions
§ 14:7. Judgment and orders in annulment actions
- Arnold H. Rutkin, general editor, [Family Law and Practice](#), volume 3
Chapter 37. Principles of Property Distribution
§ 37.02[5][a]. Void marriages
- Homer H. Clark, [Law of Domestic Relations in the United](#)

[States](#), (2nd ed. 1987), volume 1

Chapter 3 – The Suit to Annul

§ 3.5 The Suit to Annul – Alimony, Temporary and Permanent, and Division of Property

ENCYCLOPEDIAS:

- 4 [Am. Jur. 2d](#) *Annulment of Marriage* (2007)
 - IV. Action for Annulment
 - F. Judgment and Incidental Relief
 - 2. Alimony, Support, and Property Rights
 - § 79. Generally
 - § 80. Allowance of permanent alimony
 - § 81. Allowance for services or necessities
 - § 82. Effect on property rights; division of property accumulated during marriage
- 55 [C.J.S.](#) *Marriage* (2009)
 - § 88. Relief awarded ---Restitution or other disposition of property
- Carroll J. Miller, Annotation, *Prior institution of annulment proceedings or other attack on validity of one's marriage as barring or estopping one from entitlement to property rights as surviving spouse*, 31 [ALR4th](#) 1190 (1984).

Section 11: Out of State and Foreign Annulments

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to out-of-state and foreign annulments in Connecticut

DEFINITION:

- "A state has the authority to declare what marriages of its citizens shall be recognized as valid, regardless of the fact that the marriages may have been entered into in foreign jurisdictions where they were valid." [Catalano v. Catalano](#), 148 Conn. 288, 291, 170 A.2d 726, 728 (1961).
- "The Superior Court has authority to annul a marriage performed in another state if the marriage would have been invalid in that state or violates a strong public policy of this state." [Fattibene v. Fattibene](#), 183 Conn. 433, 437, 441 A.2d 3, 5 (1981).

STATUTES:

Note: You can visit your local law library or [search the most recent statutes and public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2013)
Chapter 815j. Dissolution of marriage, Legal separation and Annulment
§ [46b-40](#). Grounds for ... Annulment.
(b) "An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed."

CASES:

Note: Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

- [Delaney v. Delaney](#), 35 Conn. Supp. 230, 232, 405 A.2d 91, 93 (1979). ". . . a valid common-law marriage contracted in a state that recognizes such marriages would be upheld in this state."
- [Parker v. Parker](#), 29 Conn. Supp. 41, 43, 270 A.2d 94, 95 (1970). "The validity of the marriage between the plaintiff and the defendant is governed by the lex loci contractus . . . where the ceremony was performed."
- [Catalano v. Catalano](#), 148 Conn. 288, 291, 170 A.2d 726, 728 (1961). "It is generally accepted rule that a marriage valid where the ceremony is performed is valid everywhere . . . There are, however, certain exceptions to that rule, including one which regards as invalid incestuous marriages between persons so closely related that their marriage is contrary to the strong public policy of the domicile though valid where celebrated."
- [Browner v. Browner](#), 15 Conn. Supp. 77 (1947). "This marriage was contracted in the state of New York and consequently may be annulled by this court if, for any cause, it is void or voidable under New York law."

**TEXTS &
TREATISES:**

- Arnold H. Rutkin, Sarah Oldham and Kathleen A. Hogan, [Connecticut Practice Series: Family Law And Practice with Forms](#) (2010), volume 7
Chapter 14. Procedure in Annulment Actions
§ 14.10 Annulment of foreign marriages

Table 4: Unreported Connecticut Decisions on Annulment of Marriage

Recent Unreported Connecticut Decisions	
<p><u>Yan v. Fu</u>, Superior Court, Judicial District of New Haven at New Haven, No. FA 07-4026177S (Oct. 17, 2008) (2008 WL 4853353)</p>	<p>"The wife seeks an annulment of the marriage claiming that the husband married her solely in order to obtain legal permanent residency in the United States. The wife contends that the Nevada judgment dissolving the husband's first marriage was a sham. She offered evidence that the address given by the husband in Nevada was either false or non-existent and claimed that he always intended to continue a conjugal relationship with his ex-wife... as evidenced by the birth of his daughter to his ex-wife in 2005. The wife also alleges the husband sexually assaulted her, denied her what she wanted most i.e. a child, and used blackmail as a method of control. The later of these allegations are best addressed through the dissolution action and do not serve as a basis for annulment....</p> <p>From evidence the wife presented at trial it is not clear and convincing that the husband's Nevada divorce was a sham nor that the husband married solely to establish permanent residency. First, the offer of proof that husband's address in Nevada was nonexistent did not rise to the level of clear and convincing. Further, even if the court were to find the husband's address to be non-existent, the court does not find that to be evidence of fraud perpetrated in this marriage because the dissolution took place December of 2003, long before the husband and the wife even knew of each other's existence....</p> <p>While the fact that the husband applied for permanent resident status on the exact date of the marriage is unsettling, it is evident that the wife could not be surprised or defrauded by that fact in that she assisted him in the submission of his application and at the hearing before the Immigration Services in support of that application as late as February 2007. The wife's amended cross complaint for annulment is denied."</p>
<p><u>Rice v. Monteleone</u>, Superior Court, Judicial District of New London at New London, No. FA02-0563144S (Feb. 25, 2004) (2004 WL 503689).</p>	<p>"In essence, the plaintiff's claims, which form the bases (<i>sic</i>) of her request for an annulment, are that the defendant lied to her in his assertions of love and affection and married her for her money. Even if one assumes for the sake of argument that those claims were proven, they are not sufficient for the entry of an order of annulment."</p>

<p><u>DaSilva v. DaSilva</u>, Superior Court, Judicial District of New Haven at New Haven, No. FA02-0470290 (Apr. 21, 2003) (2003 WL 21037549).</p>	<p>"It is the plaintiff's burden of proof to prove the grounds for annulment. <u>Fattibene v. Fattibene</u>, 183 Conn. 433 (1981). 'A petition for the annulment of a marriage requires of the court hearing . . . great caution and demands clear proof.' <u>Davis v. Davis</u>, 119 Conn. 194 (1934). 'It must find that the conditions leading up to and surrounding the marriage have been established by clear and convincing evidence to be such as to render the marriage void or voidable.' <u>Trotta v. Trotta</u>, 5 Conn. Sup. 218 (1937). 'An annulment is not favored.' <u>Durham v. Miceli</u>, 15 Conn. App. 96 (1988). Marriages are strongly favored by the law. Existing marriages are presumed to be valid and that presumption has been described by the courts as very strong. <u>Carabetta v. Carabetta</u>, 183 Conn. 344 (1980); and <u>Manndorff v. Dax</u>, 13 Conn. App. 282 (1988). <u>Carabetta</u> found the public policy favoring marriages so strong that it upheld an unlicensed ceremony."</p>
<p><u>Hassan v. Hassan</u>, Superior Court, Judicial District of Hartford at Hartford, Family Support Magistrate Division, No. FA 01-0632261 (Sep. 30, 2001) (2001 WL 1329840).</p>	<p>"In the present case, the plaintiff claims she was pregnant with the defendant's child, hence the marriage had been 'consummated' prior to the ceremony. As to the issue of consummation, the fact situation is quite similar to <u>Schibi</u> [136 Conn. 196, 199, 69 A.2d 831 (1949)]. The lack of consummation surely is not sufficient grounds for the marriage to be declared void and it seems unlikely, given <u>Schibi</u>, that it is even grounds to find the marriage voidable and consequently subject to annulment."</p>
<p><u>Duren v. Burwood</u>, Superior Court, Judicial District of Litchfield at Litchfield, No. FA 01 0084521 (Aug. 29, 2001) (2001 WL 1159629).</p>	<p>"In the first count the plaintiff seeks an annulment on the grounds that the marriage is voidable because the plaintiff was fraudulently induced to enter the marriage. The court heard evidence from the plaintiff that he expected a monogamous relationship with the defendant when he married her. The defendant engaged in an extramarital relationship almost immediately after the marriage with a guest at the wedding. The defendant testified that she had expected that the marriage would be 'open'. There was no discussion regarding these expectations before the marriage.</p> <p>As the court noted in <u>Ross v. Ross</u>, 22 Conn.L.Rptr 637 (1998),</p> <p>It is the plaintiff's burden of proof to prove the grounds for annulment. <u>Fattibene v. Fattibene</u>, supra, 183 Conn. 438. 'A petition for the annulment of a marriage on this ground requires of the court hearing it great caution and demands clear proof ' <u>Davis v. Davis</u>, 119 Conn. 194, 203 (1934). 'It must find that the conditions leading up to and surrounding the marriage have been established by clear and convincing evidence to be such as to render the marriage void or voidable.' <u>Trotta v. Trotta</u>, 5 Conn. Sup.</p>

	<p>218, 223 (1937). 'An annulment is not favored.' <i>Durham v. Miceli</i>, 15 Conn. App. 96, 97 (1988).</p> <p>The court finds that the plaintiff has failed to prove the allegations to support a judgment of annulment."</p>
<p><u>Ross v. Ross</u>, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FA97 0162587 S (Aug. 10, 1998)(22 CLR 637) (1998 WL 516159) (1998 Conn. Super. LEXIS 2248).</p>	<p>"Although in 1973 the Connecticut legislature made it virtually impossible for a court to reject a complaint for a dissolution of marriage, no such statute was passed concerning annulments. In most reported contested annulment cases tried to Connecticut courts since 1973, the request for annulment has been denied. Most complaints allege a second count, a fall-back position, seeking a dissolution of marriage. In most of those cases the decree dissolving the marriage was entered."</p>
<p><u>Gutkowski v. Gutkowski</u>, Superior Court, Judicial District of Hartford-New Britain at Hartford, No. FA96 712571 S (Nov. 4, 1996), (18 CLR 101) (1996 WL 651641) (1996 Conn. Super. LEXIS 2882).</p>	<p>"This court acknowledges the principle that a legal representative of a decedent's estate may pursue an annulment action that had been commenced prior to death. While the lessons of <i>Perlstein v. Perlstein</i> remain vital, however, they should only apply to an action in which a fiduciary of a married party's estate seeks to obtain an annulment of a marriage to which its decedent was a party. As such, <i>Perlstein v. Perlstein</i>, supra, fails to provide adequate guidance for this court, which must assess the status of <i>non-fiduciaries</i> who seek to secure the annulment of a marriage which terminated by reason of death prior to the assertion of their claims."</p>